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 OXANE “GYPSY” TAUB and GEORGE DAVIS

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

OXANE “GYPSY” TAUB and GEORGE DAVIS,
Plaintiffs,
v.

CITY and COUNTY of SAN FRANCISCO and the SAN FRANCISCO POLICE DEPARTMENT
Defendants

and

GEORGE DAVIS AND OXANE “GYPSY” TAUB,

Plaintiffs,

v.

CITY and COUNTY of SAN FRANCISCO and the SAN FRANCISCO POLICE DEPARTMENT
Defendants

Case № 3:12-cv-05841-EMC (NJV)

Case № 3:15-cv-04336

EMERGENCY NOTICE OF RELATED CASE, ADMINISTRATIVE MOTION TO IMMEDIATELY RELATE CASES, AND [PROPOSED] ORDER

DATE: 9/24/15 (hearing on TRO)
TIME: 1:30
COURTROOM: 5, 17th Floor

Pursuant to Local Rules 3-12 and 7-11, Plaintiffs hereby request that the newly filed case of *GEORGE DAVIS and OXANE "GYPSY" TAUB v. CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO POLICE DEPARTMENT*, be ordered related to the earlier filed case of *OXANE "GYPSY" TAUB and GEORGE DAVIS v. CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO POLICE DEPARTMENT*, Case № 3:12-cv-05841-EMC (NJV). Plaintiffs request that the cases be related immediately and on an emergency basis in order that the court may schedule to hear oral argument on Plaintiffs' motion for a temporary restraining order on the Court's civil law and motion calendar, September 24th at 1:30 p.m.

ARGUMENT

A. The Cases Should Be Related.

Pursuant to local rule 3-12, the Court will order cases related when, "(1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

Here the parties are identical. Plaintiffs are George Davis and Oxane "Gypsy" Taub and the Defendants are the City and County of San Francisco and the San Francisco Police Department. Moreover the claims are similar in that they both involve the Defendants' denial of Plaintiffs' First Amendment rights and the matters are likely to involve significantly overlapping discovery. Therefore the first element necessary to relate the cases is present.

Moreover, there is a high likelihood that having the cases heard before different judges will cause an unduly burdensome duplication of labor and expense or conflicting results. Plaintiffs' claims in the earlier filed case are currently on appeal, but maybe remanded to this Court. Those claims include an allegation that the Defendants' systematically deny Plaintiffs' First Amendment

protected right to engage in nude protest. In the more recently filed case, Plaintiffs again allege denial of First Amendment rights. However, these claims are based on the denial of a parade permit. While the question of a First Amendment right to engage in nude expressive behavior is in question, there is no doubt that participating in a parade is quintessential First Amendment activity. Although the cases target two different types of expressive behavior, since the Parties are the same and much of the evidence to support the claims will overlap and hearing the cases before different judges would undoubtedly cause overly burdensome and unnecessary expense and judicial resources.

Therefore, the cases should be related.

B. The Cases Should Be Related Immediately So that the Court Can Schedule Oral Argument on Plaintiffs Emergency Motion for Temporary Restraining Order.

This more recently filed case involves the Defendants' unconstitutional refusal to issue a permit for a parade to be held on Saturday, September 26, 2015. Plaintiffs are drafting and will file a Motion for Temporary Restraining Order by 10 a.m. on September 23rd (tomorrow). The motion will rely heavily on the Ninth Circuit decision in *Seattle Affiliate of the October 22nd Coalition To Stop Police Brutality, Repression and the Criminalization of a Generation v. City of Seattle*, 550 F.3d 788, (9th Cir. Wash. 2008). Plaintiffs respectfully request that the Court relate the cases immediately so that when Plaintiffs file their emergency motion for temporary restraining order tomorrow, it can be scheduled for oral argument during the Court's regularly scheduled civil law and motion calendar on Thursday, September 24, 2015 at 1:30 p.m., or in any case, before the end of the Court day on Friday September 25, 2015.

Dated: September 22, 2015

Respectfully submitted,

/s/ D. Gill Sperlein

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THE LAW OFFICE OF D. GILL SPERLEIN

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WALTERS LAW GROUP

Attorney for Plaintiffs
Oxane “Gypsy” Taub and George Davis

[PROPOSED] ORDER

Having Considered the arguments set forth above and finding good cause therefore, the
two cases are **ORDERED** related.

It is **SO ORDERED**

Dated: _____

U.S. DISTRICT JUDGE EDWARD M. CHEN